



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

March 15, 2004

Maria M. Oms
Auditor-Controller
Lloyd W. Pellman
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **David Flores Zepeda, Marcella Flores, Gabriella Flores,**
Maria Refugio Flores, Ruth Flores, Veronica Flores,
Guadalupe Flores, David Flores v. County of Los Angeles
Los Angeles Superior Court Case No. BC 286 541

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$190,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Department of Health Services.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report is being transmitted to you under separate cover by the Department of Health Services.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO/fsl

Enclosure

MEMORANDUM

February 19, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: IVIE, McNEILL & WYATT
Robert H. McNeill, Esq.

OWEN L. GALLAGHER
Principal Deputy County Counsel
General Litigation Division

RE: David Flores Zepeda, Marcella Flores, Gabriella Flores, Maria Refugio Flores, Ruth Flores, Veronica Flores, Guadalupe Flores, David Flores v. County of Los Angeles
Los Angeles Superior Court Case No. BC286541

DATE OF
INCIDENT: July 16, 2002

AUTHORITY
REQUESTED: \$190,000

COUNTY
DEPARTMENT: Department of Health Services

CLAIMS BOARD ACTION:

☐ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval

_____, Chief Administrative Office
ROCKY ARMFIELD

_____, County Counsel
LLOYD W. PELLMAN

_____, Auditor-Controller
MARIA M. OMS

on _____, 2004

SUMMARY

This is a recommendation to settle for \$190,000 the wrongful death lawsuit brought by David Flores Zepeda (husband), Marcella Flores (daughter), Gabrella Flores (daughter), Maria Refugio Flores (daughter), Veronica Flores (daughter), Ruth Flores (daughter), Guadalupe Flores (daughter), and David Flores (son) for the death of Guadalupe Zepeda while hospitalized at LAC+USC Medical Center on July 18, 2002. There is no Medi-Cal lien.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On July 16, 2002, at 10:45 a.m., Guadalupe Zepeda, a 59-year-old woman with end-stage kidney disease, underwent a surgical procedure at LAC+USC Medical Center to remove her kidney (radical nephrectomy) on the right side utilizing a tube and optical system inserted through a small incision (laparoscopy). During surgery, medical personnel severed (transected) and surgically stapled (ligated) what they believed was the large vessel that supplies oxygenated blood to the right kidney (right renal artery), and the large vessel that carries deoxygenated blood from the right kidney (right renal vein). Guadalupe Zepeda's right kidney was removed, and at 1:45 p.m., surgery was concluded.

At 4:40 p.m., Guadalupe Zepeda complained of pain in her lower extremities. It was noted that her legs had a mottled appearance, which is a sign of a possible lack of adequate flow of blood (perfusion). At 8:25 p.m., an x-ray of the blood vessels after injection of contrast material (angiogram) indicated that the large vessel that carries oxygenated blood from Guadalupe Zepeda's heart to the rest of the body (aorta) was completely blocked (occluded), which medical personnel suspected was due to a large blood clot (thrombosis).

At 9:55 p.m., Guadalupe Zepeda underwent emergency abdominal surgery (laparotomy) to relieve the occlusion within her aorta. It was determined that during the earlier radical nephrectomy, medical personnel had mistakenly transected and ligated Guadalupe Zepeda's aorta and the large vein that returns deoxygenated blood to the heart from the area of the body below the diaphragm (inferior vena cava). Although repairs were made to her aorta and inferior vena cava, Guadalupe Zepeda's condition continued to deteriorate.

On July 18, 2002, at 4:35 p.m., Guadalupe Zepeda suffered a complete cessation of heart function (cardiac arrest). Restoration of heart and lung function using artificial respiration and manual closed chest compression (cardiopulmonary resuscitation [CPR]) was initiated, but she could not be resuscitated. Guadalupe Zepeda was pronounced dead at 4:52 p.m. An autopsy performed by the Los Angeles County Coroner attributed the cause of death to complications resulting from the transection and ligation of Guadalupe Zepeda's aorta during the removal of her right kidney on July 16, 2002.

DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

David Flores Zepeda, Loss of Care, Comfort and Companionship (MICRA limit)	\$ 31,250
Marcella Flores, Loss of Care, Comfort and Companionship (MICRA limit)	\$ 31,250
Gabriella Flores, Loss of Care, Comfort and Companionship (MICRA limit)	\$ 31,250
Maria Refugio Flores, Loss of Care, Comfort and Companionship (MICRA limit)	\$ 31,250
Veronica Flores, Loss of Care, Comfort and Companionship (MICRA limit)	\$ 31,250
Ruth Flores, Loss of Care, Comfort and Companionship (MICRA limit)	\$ 31,250
Guadalupe Flores, Loss of Care, Comfort and Companionship (MICRA limit)	\$ 31,250
David Flores, Loss of Care, Comfort and Companionship (MICRA limit)	\$ 31,250
Funeral Expenses	<u>\$ 5,000</u>
TOTAL	\$255,000

The proposed settlement includes:

David Flores Zepeda, Loss of Care, Comfort and Companionship	\$ 16,375
Marcella Flores, Loss of Care, Comfort and Companionship	\$ 16,375
Gabriella Flores, Loss of Care, Comfort and Companionship	\$ 16,375
Maria Refugio Flores, Loss of Care, Comfort and Companionship	\$ 16,375

Veronica Flores,	
Loss of Care, Comfort	
and Companionship	\$ 16,375
Ruth Flores,	
Loss of Care, Comfort	
and Companionship	\$ 16,375
Guadalupe Flores,	
Loss of Care, Comfort	
and Companionship	\$ 16,375
David Flores,	
Loss of Care, Comfort	
and Companionship	\$ 16,375
Attorneys Fees (MICRA Estimate)	\$ <u>59,000</u>
TOTAL	\$190,000

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through February 4, 2004, are attorneys fees of \$20,760.37 and \$5,024.91 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$190,000.00
County Attorneys Fees and Costs	\$ <u>25,784.78</u>
TOTAL	\$215,784.78

EVALUATION

Medical experts will be critical of the failure of medical personnel on July 16, 2002, to properly identify Guadalupe Zepeda's blood vessels prior to the removal of her right kidney. This failure resulted in the mistaken severing and stapling of Guadalupe Zepeda's aorta and inferior vena cava, and is directly responsible for the results observed here.

We join with our private counsel, Ivie, McNeill & Wyatt, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$190,000.

The Department of Health Services concurs in this settlement.